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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/733,410	12/12/2003	Shinji Takahashi	0505-1259P	9118

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BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER

SPISICH, GEORGE D

ART UNIT	PAPER NUMBER
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3616

DATE MAILED: 10/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/733,410	Applicant(s) TAKAHASHI, SHINJI	
	Examiner George D. Spisich	Art Unit 3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on December 12, 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Drawings

Figures 6 and 7 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). The present title "Conventional Art" should be replaced with the title - - Prior Art - -. Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 4-6, 8-10 and 14-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 4 and 14 are unclear. Claiming the cross beam as a "box-shaped" configuration is unclear since the cross beam does not appear to be in the shape of a box.

Claim 6, line 3 is unclear. It is unclear to claim an "upright" portion of the holder.

Claim 8 is unclear. It is unclear and inaccurate to claim that the front mount portion are formed at lower portions of the arc forming portions, as they are not close to the arc forming portion.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,3-7,11 and 13-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Applicant's admitted Prior art shown in Figure 7.

Admitted Prior Art shows a steering shaft support structure for a vehicle for uneven ground operation in which front wheels and rear wheels are suspended from a body frame via a suspension and the front wheels can be steering with a handle via a steering shaft mount rotatably on the body frame, the steering support structure includes a cross beam (116 and 114) being placed in spanning relation between left and

right pipes composing the body frame and a steering shaft (111) being supported by the cross beam.

There is a bushing (112) mounted on the cross beam for rotatably mounting the steering shaft relative to the cross beam.

The cross beam is broadly considered a plated material in a box-shaped configuration. With respect to the limitation that the cross beam is formed by bend molding, the method of forming the device is not germane to the issue of patentability of the device itself. Therefore, this limitation has not been given patentable weight.

Admitted Prior Art shows a front holder (113) with an arcuate portion at a central portion thereof. As in the method of forming the cross beam, the method of forming the front holder, which is claimed as press molding, has not been given patentable weight. The front holder includes flat portions extending from both ends of the and an upright portion extending forwardly for enhancing the rigidity of the front holder.

The cross beam (as it is assembled with the arcuate clamping portion 114) includes an arcuate portion at a central portion thereof and flat portions at both ends thereof with a protruding wall formed to protrude rearwardly from the upper edge of the arcuate portion (as is inherent with the duplicate part of half 113).

Claims 1,2,4,11 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by JP09-207855.

JP '855 shows a steering shaft support structure for a vehicle for uneven ground operation in which front wheels and rear wheels are suspended from a body frame via a

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suspension and the front wheels can be steering with a handle via a steering shaft mount rotatably on the body frame, the steering support structure includes a cross beam (38) being placed in spanning relation between left and right pipes (31) composing the body frame and a steering shaft being supported by the cross beam.

JP '855 shows the cross beam (38) having a tank support portions (102) for supporting a fuel tank.

The cross member is substantially a box-shaped configuration. With respect to the limitation that the cross beam is formed by bend molding, the method of forming the device is not germane to the issue of patentability of the device itself. Therefore, this limitation has not been given patentable weight.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3,5-9 and 13-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP09-207855. in view of Applicant's admitted Prior Art (in Figure 7).

Both JP '855 and Applicant's Admitted Prior Art (Fig. 7) have been discussed in prior rejections. Although JP'855 shows front mounting portions of the cross member to the left and right pipes of the body frame and side mount portion bent rearwardly and

mounted on the body frame (which is any portion towards the front and rear of the cross beam 38), JP '855 does not show a portion of the cross beam that has arcuate portions. Instead, JP '855 shows a flat steering shaft support member.

Applicant's Admitted Prior Art shows the cross member having an arcuate portion and having a front holder also having an arcuate portion, as is discussed in detail in the prior rejection.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the flat steering shaft support member of the cross beam of JP '855 with the arcuate mounting portion of the front holder and cross beam of Applicant's Admitted Prior Art to the cross beam of JP '855 as a means to mount the steering shaft with a bushing and provide a strengthened cross beam member which provides stable support for the steering shaft on the body frame of the vehicle.

Claims 10 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP '855 in view of Applicant's Admitted Prior Art in Figure 7 as applied to claim 3, 5-9 and 13-19 above, and further in view of Summers et al. (USPN 5,715,903).

Neither JP'855 nor Applicant's Admitted Prior Art show the steering support structure further having plurality of apertures in the side portions of the cross member for reducing weight.

It is well known in the art to provide apertures in a structural member when possible to reduce the weight of a member without a critical reduction in strength and function.

Summers et al. discloses a cross member (124) to brace a steering member (see col. 7, lines 21-25). The cross member has a plurality of apertures (132, 134 and 136). It is disclosed that these apertures reduce the weight of the cross member.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a plurality of apertures in the side portions of the cross member for reducing the weight of the cross beam as is taught by Summers et al. and is well known in the art, since a lighter structural member is more efficient for the overall operation and performance of the vehicle.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Matsuura (USPN 6,454,039), Witkovsky et al. (USPN 5,782,136), Bourgon (USPN 1,654,675), Nagashima (USPN 4,753,448), Krizman Jr. (USPN 6,035,741), Mori et al. (USPN 6,497,300), Gagnon et al. (USPN 6,523,634), Bergman (USPUB 2003/0201637), Miyakawa et al. (USPN 5,699,872), Tomoyuki (USPN 4,667,765), Tsutsumikoshi et al. (USPN 4,535,869), Horiuchi (USPN 6,085,857), Tsukahara et al. (USPN 4,735,275), Ishii et al. (USPUB 2003/0001377), Kajikawa et al. (USPN 6,412,856), JP07-267164, FR 2 480 221.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to George D. Spisich whose telephone number is (571)

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272-6676. The examiner can normally be reached on Monday-Friday 9:00 to 6:30 except alt. Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on (571) 272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

George D. Spisich
October 13, 2005



 10/17/05
PAUL N. DICKSON
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600